

House Bill 44

By: Representative Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 31-10-15 of the Official Code of Georgia Annotated, relating to death  
2 certificates, so as to provide that death certificates must be completed by the attending  
3 physician or other appropriate person within 72 hours following the death of an individual in  
4 a hospice, nursing home, or hospital; to provide for exceptions; to provide for certain notices;  
5 to provide for sanctions for failure to comply; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 31-10-15 of the Official Code of Georgia Annotated, relating to death  
10 certificates, is amended by revising the Code section as follows:

11 "31-10-15.

12 (a) A certificate of death for each death which occurs in this state shall be filed with the  
13 local registrar of the county in which the death occurred or the body was found within ten  
14 days after the death as follows:

15 (1) If the place of death is unknown but the dead body is found in this state, the certificate  
16 of death shall be completed and filed in accordance with this Code section. The place  
17 where the body is found shall be shown as the place of death. If the date of death is  
18 unknown, it shall be the date the body was found and the certificate marked as such; or

19 (2) When death occurs in a moving conveyance in the United States and the body is first  
20 removed from the conveyance in this state, the death shall be registered in this state and the  
21 place where it is first removed shall be considered the place of death. When a death occurs  
22 on a moving conveyance while in international waters or airspace or in a foreign country  
23 or its airspace and the body is first removed from the conveyance in this state, the death  
24 shall be registered in this state but the certificate shall show the actual place of death  
25 insofar as can be determined.

(b) The funeral director or person acting as such who first assumes custody of the dead body shall file the certificate of death. Such director or person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefor.

(c) In the circumstance of a death that occurs in a hospice, nursing home, assisted living facility, or hospital in this state, the ~~The~~ medical certification as to the cause and circumstances of death shall be completed, signed, and returned to the funeral director or person acting as such within 72 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, ~~except when inquiry is required by Article 2 of Chapter 16 of Title 45, the 'Georgia Death Investigation Act.'~~ In all other circumstances, the medical certification as to the cause and circumstances of death shall be completed, signed, and returned to the funeral director or person acting as such within 72 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death or such other appropriate individual under this Code section. In the absence of said physician or with that physician's approval the certificate may be completed and signed by an associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided that such individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural causes.

(d) When death occurs without medical attendance as set forth in subsection (c) of this Code section or when inquiry is required by Article 2 of Chapter 16 of Title 45, the 'Georgia Death Investigation Act,' the proper person shall investigate the cause of death and shall complete and sign the medical certification portion of the death certificate within ~~30 days~~ 72 hours after being notified of the death.

(e) If the cause of death cannot be determined or the medical certification of the cause and circumstances of death cannot be made within ~~48~~ 72 hours after death, the ~~medical certification shall be completed as provided by regulation. The attending physician, medical examiner,~~ medical examiner, or coroner shall give the funeral director or person acting as such and the local registrar of the county written notice of the reason for the delay within five business days following such death or receiving notice of such death, as the case may be, and final disposition of the body shall not be made until authorized by the attending physician, coroner, or medical examiner. If the attending physician fails to complete, sign, and return the medical certification as to cause and circumstances of death to the funeral director or the person acting as such as provided in subsection (c) of this Code section and fails to give written notice of the reason for the delay in providing such medical certification as provided in this subsection, the funeral director or person acting as such or the local registrar of the county shall notify the Composite State Board of Medical Examiners of such failure within

1 ten business days following such death and, upon receiving such notice, the Composite State  
2 Board of Medical Examiners shall immediately suspend the license of the attending  
3 physician to practice medicine in this state until such time as the medical certification is  
4 completed, signed, and delivered to the funeral director or person acting as such.

5 (f) When death occurs on or after July 1, 1985, in a county other than the county of the  
6 residence of the deceased person, a copy of such person's death certificate shall be  
7 forwarded as soon as practicable by the department to the custodian of records of the county  
8 of the residence of such deceased person. The custodian of records shall file such death  
9 certificate as a part of the permanent records of such office.

10 (g) By the twentieth day of each month, the state registrar shall furnish to the Secretary of  
11 State's office, in a format prescribed by the Secretary's office, a list of those persons for  
12 whom death certificates have been filed during the preceding month. Such list shall be used  
13 by the Secretary of State to notify local registration officers for the purpose of purging the  
14 voter registration list of each county."

## 15 **SECTION 2.**

16 All laws and parts of laws in conflict with this Act are repealed.